

ORIGINAL



0000057466

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2006 JUL 26 P 2:38

DOCKETED

JUL 26 2006

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MIKE GLEASON  
KRISTIN K. MAYES  
BARRY WONG

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY

hr

IN THE MATTER OF THE APPLICATION OF  
JOHNSON UTILITIES, L.L.C., dba JOHNSON  
UTILITIES, FOR APPROVAL TO EXTEND ITS  
EXISTING CERTIFICATE OF CONVENIENCE  
AND NECESSITY.

DOCKET NO. WS-02987A-06-0077

PROCEDURAL ORDER

**BY THE COMMISSION:**

On February 8, 2006, Johnson Utilities, L.L.C. ("Johnson" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N"), to include an area encompassing the development known as Ironwood Crossing and Section 7, Township 2 South, Range 8 East, G&SRM. The application also requests that some revisions be made to the tariffs of Johnson Utilities, L.L.C., and H2O, Inc., to allow the termination of water services by H2O, Inc., a water only provider, for the non-payment of the wastewater service.

On July 19, 2006, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in this docket indicating that the Applicant's application has met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** shall be held on **September 26, 2006, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all Motions to Intervene must be filed on or before **September 8, 2006**.

IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no

1 later than **September 18, 2006.**

2 IT IS FURTHER ORDERED that Johnson shall provide public notice of the hearing in this  
3 matter, in the following form and style, with the heading no less than 10 point bold type and the body  
4 no less than 10 point regular type:

5 **PUBLIC NOTICE OF THE HEARING FOR THE APPLICATION OF**  
6 **JOHNSON UTILITIES, L.L.C., dba JOHNSON UTILITIES FOR**  
7 **APPROVAL TO EXTEND ITS CERTIFICATE OF**  
8 **CONVENIENCE AND NECESSITY.**

9 **Docket No. WS-02987A-06-0077**

10 On February 8, 2006, Johnson Utilities, LLC ("Johnson" or "Applicant") filed with  
11 the Arizona Corporation Commission ("Commission") an application for an  
12 extension of its Certificate of Convenience and Necessity ("Certificate") to include an  
13 area encompassing the development known as Ironwood Crossing and Section 7,  
14 Township 2 South, Range 8 East, G&SRM. The application also requests that some  
15 revisions be made to the tariffs of Johnson Utilities, L.L.C., and H2O, Inc., to allow  
16 the termination of water services by H2O, Inc., a water only provider, for the non-  
17 payment of the wastewater service. If the application is granted, the Applicant would  
18 be the exclusive provider of wastewater service to the proposed extension area and  
19 would be required by the Commission to provide service under rates and charges and  
20 terms and conditions established by the Commission. The application, report of the  
21 Commission's Utilities Division Staff, and any written exceptions to the Staff Report  
22 prepared by the Applicant will be available for inspection during regular business  
23 hours at the offices of the Commission located at 1200 West Washington Street,  
24 Phoenix, Arizona 85007, and at offices of the Applicant, [address] and on the  
25 internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

26 The Commission will hold a public hearing on this matter on **September 26, 2006, at**  
27 **10:00 a.m.** at the Commission's offices, at 1200 West Washington Street, Phoenix,  
28 Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate  
circumstances, interested parties may intervene in the proceedings and participate as a  
party. Intervention shall be permitted to any person entitled by law to intervene and  
having a direct and substantial interest in the matter. Persons desiring to intervene  
must file a written motion to intervene with the Commission and send such motion to  
the Applicant or its counsel and to all parties of record, and which at the minimum,  
shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of  
any party upon whom service of documents is to be made if different than the  
intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a  
customer of the Applicant, a shareholder of the Applicant, a competitor, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed  
to the Company or its counsel and to all parties of record in the case.

1 The granting of Motions to Intervene shall be governed by A.A.C. R14-3-105, except  
2 that all Motions to Intervene must be filed on or before September 8, 2006. The  
3 granting of intervention, among other things, entitles a party to present sworn evidence  
4 at the hearing and to cross-examine other witnesses. Failure to intervene will not  
preclude any interested person or entity from appearing at the hearing and making a  
statement on their own behalf. You will not, however, receive any further notice of  
the proceeding unless requested by you. Please check with the Commission for any  
changes to the scheduled hearing date.

5 If you have any comments, mail them to:

6 The Arizona Corporation Commission  
7 Attention Docket Control  
8 re: Johnson Utilities, L.L.C.  
9 WS-02987A-06-0077  
10 1200 West Washington Street  
11 Phoenix, Arizona 85007

12 If you have questions about this application, you may contact the Applicant at **[insert  
telephone number]**. If you wish to file written comments on the application or want  
13 further information on intervention, you may contact the Consumer Services Section  
14 of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call  
15 1-800-222-7000.

16 The Commission does not discriminate on the basis of disability in admission to its  
17 public meetings. Persons with a disability may request a reasonable accommodation  
18 such as sign language interpreter, as well as request this document in an alternative  
19 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602-542-  
20 3931, E-mail lghogan@azcc.gov. Requests should be made as early as possible to  
21 allow time to arrange the accommodation.

22 IT IS FURTHER ORDERED that Applicant shall **mail to each property owner or property  
owner representative** in the requested extension area a copy of the above notice and shall cause the  
23 above notice to be published in a newspaper of general circulation in its service territory, with  
24 publication and mailing to be completed no later than **August 18, 2006.**

25 IT IS FURTHER ORDERED that Johnson Utilities, L.L.C., shall **file certification of mailing  
and publication** as soon as practicable after the mailing/publication has been completed, but not later  
26 than **September 1, 2006.**

27 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
28 publication of same, notwithstanding the failure of an individual property owner to read or receive  
the notice.

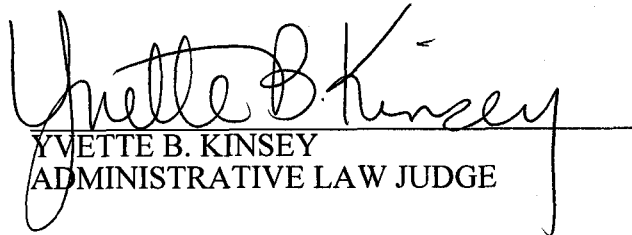
IT IS FURTHER ORDERED that Staff shall file a **Staff Report on or before August 25,  
2006.**

1 IT IS FURTHER ORDERED that any objections to the Staff Report shall be filed on or  
2 before September 1, 2006.

3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized  
4 Communications) applies to this proceeding as the matter is now set for public hearing.

5 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,  
6 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
7 ruling at hearing.

8 Dated this 26<sup>th</sup> day of July, 2006

9  
10   
11 YVETTE B. KINSEY  
12 ADMINISTRATIVE LAW JUDGE

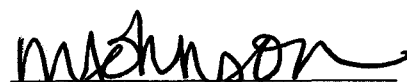
13 Copies of the foregoing mailed/delivered  
14 this 26 day of July, 2006 to:

15 Richard L. Sallquist  
16 SALLQUIST, DRUMMOND & O'CONNOR  
17 4500 South Lakeshore Drive, Ste. 339  
18 Tempe, AZ 85282

19 Christopher Kempley, Chief Counsel  
20 Legal Division  
21 ARIZONA CORPORATION COMMISSION  
22 1200 West Washington Street  
23 Phoenix, AZ 85007

24 Ernest G. Johnson, Director  
25 Utilities Division  
26 ARIZONA CORPORATION COMMISSION  
27 1200 West Washington  
28 Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2627 N. Third Street, Ste. Three  
Phoenix, Arizona 85004-1104

26 By:   
27 Molly Johnson  
28 Secretary to Yvette B. Kinsey